

REMARKS

Entry of Amendment

As Applicants are filing a RCE herewith, this amendment should be entered and considered by the Examiner at this time.

Amendment To Claims

In light of the Examiner's latest series of rejections, except as discussed in detail below, Applicants are amending the claims to put them back in the condition they were in as of Amendment J filed on October 18, 2007 (and the subject of the Office Action of January 7, 2008). In order to have these amendments entered, Applicants are filing a RCE herewith.

Applicants believe that these amendments render the rejections (both the §112 and §103 rejections) in the Final Rejection of July 9, 2008 moot. Accordingly, it is respectfully requested that these rejections be withdrawn.

Rejections In Office Action of January 7, 2008

In light of the above-discussed amendments, Applicants believe that they should address the rejections in the Office Action of January 7, 2008. Accordingly, Applicants have the following response to the rejections in the January 7, 2008 Office Action.

Claim Rejections - 35 USC §103

In the Office Action, the Examiner had the following rejections under 35 USC §103:

1. Claims 1, 13, 31, 47, 51 and 59-60 as being unpatentable over Hiraga et al. (US 6,139,321) in view of Harrah et al. (US 4,405,487) and Matsuura et al. (US 6,001,413) and Nowobilski (US5,328,336).
2. Claims 2 and 14 as being unpatentable over Hiraga et al., Harrah et al. and

Matsuura et al. and Nowobilski and further in view of Begin et al. (US 5,310,410).

3. Claims 3 and 15 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Kakei et al. (US 3,931,789).
4. Claims 4, 34 and 38 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. and Nowobilski in view of Conte (US 6,149,392).
5. Claim 5 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and Nowobilski and further in view of Begin et al.
6. Claim 6 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and further in view of Kakei et al.
7. Claims 7-8, 16-17, 37, 49 and 52 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. and in view of Begin et al. and Nowobilski.
8. Claims 9 and 18 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Begin et al. and Nowobilski and further in view of Kakei et al.
9. Claims 10, 11, 40 and 50 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. in view of Begin et al. and in view of Conte and Nowobilski.
10. Claim 12 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al., Begin et al. and Conte and Nowobilski and further in view of Kakei et al.
11. Claims 32-33 and 61-62 as being unpatentable over Hiraga, Harrah, and Matsuura et al. and Nowobilski and further in view of Zheng (US 6,124,215).
12. Claims 35 and 36 as being unpatentable over Hiraga, Harrah, Matsuura et al. and Conte and Nowobilski and further in view of Zheng.
13. Claims 38-39 and 45-46 as being unpatentable over Hiraga, Harrah, Matsuura et al. and Begin and Nowobilski and further in view of Zheng.
14. Claims 41 and 42 as being unpatentable over Hiraga, Harrah, Matsuura et al., Begin and Conte and Nowobilski and further in view of Zheng.
15. Claims 43 and 44 as being unpatentable over Hiraga, Harrah, and Matsuura et al. and Nowobilski and further in view of Zheng.
16. Claims 53 and 57 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Walter (U.S. 4,118,542).
17. Claim 54 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al.

and Conte and Nowobilski and further in view of Walter.

18. Claims 55 and 58 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Bergin et al. and Nowobilski and further in view of Walter.
19. Claim 56 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al., Bergin et al., Conte and Nowobilski and further in view of Walter.

Each of these rejections is respectfully traversed.

Each of the rejections relies upon a combination of Hiraga, Harrah, Matsuura and Nowobilski (and other references as deemed necessary by the Examiner, such as for example, Conte). While Applicants traverse these rejections, in order to advance the prosecution of this application and to clarify the claimed invention, Applicants are amending independent Claims 1, 4, 7, 10, 13, 16 and 59 to recite the feature of “wherein said oxidation cell is air-tight when said lid is closed.” This feature is supported in the present application by, for example, page 9, lines 3-13 of the specification. This feature is not disclosed or suggested in the above cited references¹.

More specifically, in the Office Action, the Examiner admits that neither Hiraga, Harrah, or Matsuura teach a mechanism for oxidizing is an oxidation cell having a lid, wherein said oxygen gettering agent is encapsulated (i.e. enclosed) by closing said lid. The Examiner cites Nowobilski as allegedly disclosing “providing a gettering material in a container (Fig. 1, 1) with a closing means (5) that encapsulates (encloses) the gettering material when closed by the closing means for at least the purposes of preventing the getter material from escaping and allowing the easy replacement of getter material once it is deactivated or no longer useful for removing undesirable gases (column 6, rows 22-31).”

However, the closing means (5) in Nowobilski is merely for closing the container and keeping the gettering material within the container, to be replaced once the gettering material is

¹ This feature in combination with the other claim elements is also not disclosed or suggested by any of the references cited in the Final Rejection of July 9, 2008.

deactivated or no longer useful. The container in Nowobilski has a filtering means with a plurality of pores *which allow reactive gases to continuously diffuse in or out of the container, even with the closing means (i.e. lid) closed.* See e.g. col. 3, line 51 - col. 4, line 3; col. 6, lines 22-31 in Nowobilski. Hence, when the lid is closed on the container in Nowobilski, the container is not air-tight, in contrast to independent Claims 1, 4, 7, 10, 13, 16 and 59 of the present application.

Therefore, even if it were proper to combine Hiraga, Harrah, Matsuura and Nowobilski (and the other references, which Applicants do not admit), such a combination still would not disclose or suggest the claimed invention.

Accordingly, independent Claims 1, 4, 7, 10, 13, 16 and 59 and those claims dependent therefrom are patentable over these references, and it is respectfully requested that all the §103 rejections be withdrawn.

Conclusion

It is respectfully submitted that the present application is in condition for allowance, and should be allowed.

If any further fee should be due for this amendment, the extension of time, and/or the RCE, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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